

**Introduced by Senator Vargas**  
(Coauthor: Assembly Member Hueso)

February 18, 2011

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An act to amend Section 44002 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as introduced, Vargas. Solid waste: facilities permit.

The California Integrated Waste Management Act of 1989 regulates the management of solid waste. The act authorizes that the California Integrated Waste Management Board may designate and certify a local enforcement agency within each county to carry out specified powers and duties, and requires the board and certified local enforcement agencies to perform specified functions with regard to the regulation of solid waste management, including the issuance of solid waste facilities permits.

Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit and authorizes an enforcement agency to issue a solid waste facilities permit only if it determines that the permit application is consistent with the requirements of the act.

This bill would additionally prohibit an enforcement agency from issuing a solid waste facilities permit, on or after January 1, 2012, if that permit would allow the disposal of solid waste within 500 feet of a river that supplies any aquifer that provides drinking water for more than 50,000 persons, or within 1,000 feet of a site considered to be sacred and of spiritual importance to a federally recognized Indian tribe.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 44002 of the Public Resources Code is amended to read:

44002. (a) (1) ~~No~~A person shall *not* operate a solid waste facility without a solid waste facilities permit if that facility is required to have a permit pursuant to this division.

(2) The prohibition specified in paragraph (1) includes, but is not limited to, the operation of a solid waste facility without a required solid waste facilities permit or the operation of a solid waste facility outside the permitted boundaries specified in a solid waste facilities permit.

(b) If the enforcement agency determines that a person is operating a solid waste facility in violation of subdivision (a), the enforcement agency shall immediately issue a cease and desist order pursuant to Section 45005 ordering the facility to immediately cease all activities for which a solid waste facilities permit is required and desist from those activities until the person obtains a valid solid waste facilities permit authorizing the activities or has obtained other authorization pursuant to this division.

*(c) Notwithstanding any other provision of this division, an enforcement agency shall not issue a solid waste facilities permit, on or after January 1, 2012, if that permit would allow the disposal of solid waste within 500 feet of an aquifer that provides a source of drinking water for more than 50,000 persons, or within 1,000 feet of a site considered to be sacred and of spiritual importance to a federally recognized Indian tribe.*